

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                     |   |                |
|---------------------|---|----------------|
| JIMMY BROWN,        | : | NO. 1:11-CV-68 |
|                     | : |                |
| Plaintiff,          | : |                |
|                     | : |                |
| v.                  | : | <b>ORDER</b>   |
|                     | : |                |
| LT. TURNER, et al., | : |                |
|                     | : |                |
| Defendants.         | : |                |

This matter is before the Court on the Magistrate Judge's December 23, 2011 Report and Recommendation (doc. 21). Proper notice was given to the parties, including Plaintiff, as required under 28 U.S.C. § 636(b)(1)(C). Said notice included an admonition that a failure to file objections to the Report and Recommendation in a timely manner "may forfeit rights on appeal" (doc. 21 at 3 (citing Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947, 950 (6th Cir. 1981) ("[A] party shall file objections with the district court or else waive right to appeal.")). To date, no objections have been filed.

The Magistrate Judge recommends that Plaintiff's complaint be dismissed with prejudice for lack of prosecution. Although no party, including Plaintiff, has objected to any portion of her report or her proposed recommendations, out of an abundance of caution we nonetheless have conducted a de novo review. 28 U.S.C. § 636(b)(1)(C).

The Court finds the Magistrate Judge's Report and Recommendation to be complete, well-reasoned, and correct and we

therefore ADOPT and AFFIRM it in all respects. Accordingly, Plaintiff's complaint (captioned "Amended Complaint of Plaintiff Jimmy Brown" (doc. 3)) is hereby DISMISSED WITH PREJUDICE for lack of prosecution. We note that Plaintiff was granted leave to proceed in this matter in forma pauperis by the Magistrate Judge (doc. 1). Accordingly and in addition, based on the reasons underpinning our decision to dismiss with prejudice Plaintiff's complaint, we certify, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal taken from this Order would not be taken in good faith; any application made to this Court to appeal in forma pauperis thus will be DENIED. See McGore v. Wigglesworth, 114 F.3d 601, 610-11 (6th Cir. 1997).

SO ORDERED.

Dated: January 12, 2012

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge